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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 KEVIN MORRIS, GLENN R. SEMOW, &	) Case No. C 07-02827 WHA
13 CHAD COOK, on behalf of themselves &	)
14 all others similarly situated,	) PLAINTIFFS' NOTICE THAT
15 Plaintiffs,	) THEY DO NOT INTEND TO
16 v.	) SEEK LEAVE TO AMEND THE
17 BMW of NORTH AMERICA, LLC,	) COMPLAINT AT THIS TIME
18 Defendant.	)
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On November 7, 2007, the Court ruled on defendant BMW of North America's Motion to Dismiss the Amended Complaint. The Court granted the Motion in part and denied it in part and provided Plaintiffs with the option and a deadline to seek leave to file a Second Amended Complaint in light of the Court's decision.

Although Plaintiffs respectfully disagree with certain aspects of the Court's decision, Plaintiffs hereby provide notice that they have elected not to seek leave to amend their First Amended Complaint at this time in response to the Court's decision. Plaintiffs will promptly notify both the Court and Defendant if they believe that any changes in legal precedent or the discovery of any new facts make it necessary and appropriate to seek leave to amend the First Amended Complaint in the future.

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2 DATED: November 16, 2007

KEMNITZER, ANDERSON, BARRON, OGILVIE, &  
BREWER LLP

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5 By /s/ Mark F Anderson  
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